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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 UNITED STATES OF AMERICA,  
6 Plaintiff,

7 WALKER RIVER PAIUTE TRIBE,  
8 Plaintiff-Intervenor

9 vs.

10 WALKER RIVER IRRIGATION DISTRICT,  
11 a corporation, et al.,  
12 Defendant.

13 In the Matter of:  
14 PERMIT 87326-FOX DITCH COMPANY,  
15 OWNER, C/O FRADE RANCH, INC.  
16 Petitioner.

Case No. CM/ECF No.: 3:73-cv-00125

Dept. No. IN EQUITY NO. C-125-ECR

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**ORDER MODIFYING DECREE**

The petitioner, Frade Ranch, Inc., a Nevada corporation, on behalf of the Fox Ditch Company, filed herein its Petition for Approval of Modification of the Walker River Decree on April 16, 2018.

Petitioner filed Application 87326 with the Nevada State Engineer on September 8, 2017, requesting a change to the place of use of a portion of Claim No. 45 of the above-entitled action.

No protests were lodged by any party to the granting of Application 87326.

The Nevada State Engineer sent special notices and requests for publication in accordance with the Administrative Rules and Regulations of the U. S. Board of Water Commissioners. Publications of notice of Application 87326 were duly made in the Mason Valley News (Lyon County), the Record-Courier (Douglas County), and the Review Herald News (Mono County), as required by such Administrative Rules and Regulations.

1 Affidavits of Service were filed with this Court on April 6, 2018.

2 The State Engineer granted the Change Application for 8.3153 cubic feet per second from  
3 the decreed source for irrigation of 615.60 acres within the described place of use and subject to  
4 approval by the United States District Court for the District of Nevada with certain terms and  
5 conditions on April 10, 2018.  
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7 The United States Board of Water Commissioners and Chief Deputy Water Commissioner  
8 filed Comments on April 30, 2018 (Doc. 1493) and Clarification of its Comments on July 24,  
9 2018 (Doc. 1519).

10 The State Engineer's entire record of proceeding was served upon all parties hereto on  
11 June 14, 2018. (Doc. 1509).

12 This Court finds that the allegation of said Petition are true, that said Petitioners are  
13 presently owners of the lands herein described, and the water rights herein described; and that  
14 said Decree should be modified.  
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17 NOW, THEREFORE, it is hereby ORDERED, ADJUDGED, AND DECREED that said  
18 Decree is modified as follows:

19 A portion of that certain right set forth in the Decree on page 25 under the name of Fox  
20 Ditch Company, be modified as follows:

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22 Change page 25 of the final Decree, Claim No. 45, the original place of use, and insert the  
23 new place of use as to a portion of Claim No. 45.

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| <u>Owner</u>            | <u>Priority</u> | <u>cfs</u> | <u>Acres</u>    | <u>Amended Place of Use</u>   |
|-------------------------|-----------------|------------|-----------------|---|
| Fox<br>Ditch<br>Company | 1865            | 2.6549     | 222.85          | Portions of the NW1/4, N1/2 SW1/4, SW1/4 SW1/4, a portion of the SE1/4 SW1/4 of Section 17, the E1/2 of Section 18, and the NE1/4 of Section 19, all within T.13N., R.26E., M.D.B.&M. |
|                         | 1870            | 2.4209     | 203.55          |   |
|                         | 1875            | 1.9977     | 137.18          |   |
|                         | 1880            | 0.78       | 39.17           |   |
|                         | 1885            | 0.3018     | 12.65           |   |
|                         | 1890            | 0.08       |                 |   |
|                         | 1895            | 0.08       |                 |   |
| Total                   |                 | 8.3153     | 615.61<br>acres |   |

This modification of Decree shall be deemed not to affect the rights other than that portion of Claim No. 45 set forth above or the rights of any other parties.

This Order is made expressly subject to the certain letter agreement dated February 9, 2018, attached hereto as Exhibit "A", between Frade Ranches, Inc. and other water right holders on the Fox Ditch, by which Frade Ranches, Inc. agrees to continue historical water rotation practices.

IT IS SO ORDERED:

By:   
UNITED STATES DISTRICT JUDGE

Dated: October 5, 2018

## **EXHIBIT A**

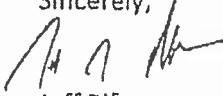
FRADE RANCHES, INC.  
22 State Route 208  
Yerlington, Nevada 89447

January 9, 2018

To: Fox Ditch Company

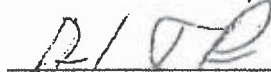
I write on behalf of Frade Ranches, Inc. ("Frade") to confirm, in connection with its pending application to change the place of use of certain surface water rights appurtenant to Frade's agricultural property on the Irrigation ditch known as the Fox Ditch (the "Application"), that Frade and its lessee, Perl & Sons Farms, Inc., will, following approval of the Application, continue the historical practice of water rotation with other water right holders on the Fox Ditch.

Sincerely,



Jeff Rife  
Director

ACKNOWLEDGED & AGREED;  
PERI & SONS FARMS, INC.



By: David J. Peri  
Title: President